

cortical bone when said rod is inserted within the canal so as to center the rod relative to the wall.

REMARKS

On February 26, 1998, applicant requested reconsideration of the Examiner's holding that Patent 5,013,318 - Spranza anticipates applicant's claimed invention under 35 U.S.C. § 102(b) on the basis that the claims call for fins to be "non-displaceably fixed at a distal end of a rod", whereas Spranza's whiskers 1a and 1b are selectively movable between contracted and expanded positions relative to the end of tube 3. On March 30, 1998, the Examiner concluded in an Advisory Action that this argument did not overcome the § 102(b) rejection because in the "expand" position, Spranza's whiskers are non-displaceably fixed.

Applicant respectfully questions the conclusion reached in the Advisory Action. It would seem that in any type of device which permits a component of the device to be selectively displaced between one position and another --e.g., the blade of a pocket knife-- it is difficult to conclude that when in the extended position the component is "non-displaceably fixed" in that position. Nevertheless, to more specifically distinguish applicant's invention from what Spranza discloses, the main Claim 1 again has been amended to recite that the fins are:

"...non-retractably disposed in a fixed position at a distal end of the rod.. projecting outwardly from the rod..." (Emphasis added)